UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON Secret DATE: December 10, 1963

FROM : J. H. GALE

SUBJECT: LEE HARVEY OSWALD
INTERNAL SECURITY - R
Dallas, Texas

Classified by 6190
Exempt from GDS, Category 2
Date of Declassification Indefinite

Director instructed that complete analysis be made of any investigative deficiencies in Oswald case and analysis made concerning any necessary changes in our procedures re handling cases of this type -- analysis re procedure changes and dissemination policies handled separately.

RESULTS OF FINDINGS RE INVESTIGATIVE DEFICIENCIES:

It is definitely felt subject Oswald should have been on the Security Index (SI) based on following facts: (This is based solely on information in our files at time of and prior to assassination and does not take into consideration information subsequently developed.) (1) Subject's defection to Russia and statement that he never would return to United States for any reason. (2) Stated he was Marxist and advised Department of State he would furnish Soviets any information he had acquired as Marine Aviation Electronics Expert. Also affirmed in writing allegiance to Soviet Union and said service in Marine Corps gave him chance to observe American imperialism. According to State Department Oswald displayed air of new "Sophomore" Party liner at that time. (3) Upon returning to the United States Oswald displayed cold, arrogant, general uncooperative attitude and refused to take Bureau Polygraph test to determine if he had cooperated with the Soviets or had current intelligence assignment. (4) On 9/28/62 it was learned Oswald was subscribing to "The Worker," east coast Communist newspaper. (5) In April, 1963, learned he had been in contact with Fair Play for Cuba Committee, New York, and passed out pamphlets and had placard around neck reading "Hands Off Cuba - Viva Fidel." (6) Wrote letter June 10, 1963, to "The Worker" asking for literature saying he was forming Fair Play for Cuba Committee in New Orleans and he sent honorary membership to "those fighters for peace" Mr. Gus Hall and Mr. B. Davis (Ben Davis). (7) Arrested August 9, 1963, New Orleans, passing out Fair Play for Cuba pamphlets on street. Shortly thereafter interviewed on radio and said Russia had gone soft on Communism and Cuba only real revolutionary country in world today. (8) Contact with Soviet Embassy, Mexico September and October, 1963.

Field and Seat of Government employees who handled instant case maintain subject did not come within SI criteria. Inspector does not agree, believing that Oswald came within following category: "Investigation has developed information that an individual though not a member of or participant in the activities of subversive organization, has anarchist or revolutionary beliefs and is likely to seize

1 - Mr. Callahan

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Searched ____ Numbered ____

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upon the opportunity presented by the national emergency to endanger the public safety as shown by overt acts or statements within the last three years, established through reliable sources, informants or individuals."

Upon subject's return from Russia to Texas on 6/14/62, he was interviewed and displayed a recalcitrant attitude. The only investigation conducted was to interview a number of Government officials, three relatives and check with two Communist Party informants. The case was then closed after a second interview with subject by Dallas report dated 8/30/62. No neighborhood or employment sources developed, wife not interviewed, mail covers or other techniques not used to determine whom Oswald in contact with or whether he had intelligence assignment. Inspector feels this limited investigation inadequate. Dallas Agent responsible for delinquencies until 3/26/63 was Special Agent [redacted] who is now retired, and no explanations obtained from him.

Dallas reopened case 3/26/63 assigned to Special Agent James P. Hosty, Jr., and supervised by Field Supervisor [redacted] After sending Bureau a letter on 3/25/63 setting out leads to determine Oswald's employment and consider interviewing Oswald's wife, the Bureau was not furnished any information until 8/23/63 and then only after the Bureau had made inquiry of Dallas. It was not until 9/10/63 that Dallas reported subject Oswald subscribed to "The Worker" on 9/28/62 and on April 21, 1963, had been in contact with New York Fair Play for Cuba Committee, advising then that he passed out Fair Play for Cuba pamphlets and had placard around neck reading "Hands Off Cuba - Viva Fidel." Relief Supervisor [redacted] advised he receiv information from New York concerning subject's subscription to "The Worker" and took no action except to route it to former Agent [redacted] He advised he did not feel this information warranted reopening case. Inspector does not agree, but feels in light of subject's defection, case should have been reopened at first indication of communist sympathy or activity.

Special Agent Hosty advised that New York did not report Oswald's 4/21/63 Fair Play for Cuba contact to Dallas until letter sent 6/27/63 and Dallas did not feel it necessary to report it to Bureau until 9/10/63. Hosty admits it "possibly" would have been better to have reported on this matter earlier.

Special Agent [redacted] New York, handled this matter and states information was received from anonymous source and that because of heavy volume of such material he handled urgent matters first and finished entire processing at approximately the end of June, 1963.

Supervisor [redacted] New York, makes similar explanation. Inspector feels 68-day delay from 4/21/63 to 6/27/63 entirely too long to process such material, particularly inasmuch as New York in no position to determine value of some of this material to other offices who have active cases opened on individuals concerned.

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Hosty advised Dallas considered the most important aspect of this case the interview of Oswald's wife and did not deem it advisable to interview her in March, 1963, because they developed information that Oswald drinking to excess and beat up wife on several occasions. Hosty stated that they allowed a 60-day "cooling-off period" and then couldn't locate Oswald or his wife until New Orleans located them in New Orleans and advised Dallas on 7/17/63. No instructions given New Orleans to interview Mrs. Oswald.

Certainly an asinine excuse H

Hosty advised that after Oswald's return to Dallas was verified on 11/1/63 no interview was conducted of Mrs. Oswald because Dallas awaiting information from New Orleans. Hosty advised investigation was designed to avoid having Oswald's wife "gain the impression she was being harassed or hounded because of her immigrant status in order that the interview when conducted might be as productive as possible."

Just don't understand such solicitude H

Inspector feels this entire facet of investigation mishandled. Mrs. Oswald definitely should have been interviewed and Inspector feels best time to get information from her would be after she was beaten up by her husband as it is felt she would be far more likely to cooperate when angry at Oswald than otherwise.

This certainly malad[illegible]. H

On 11/1/63 Dallas determined from Mrs. Ruth Paine that Oswald working at the Texas School Book Depository (place from which assassination shot fired by Oswald). Mrs. Paine unaware of Oswald's residence but stated Oswald's wife living with her. SA Hosty states he made pretext telephone call to Oswald's place of employment and was told Oswald residing with Mrs. Paine. Not recorded in file. On 11/5/63 Mrs Paine recontacted and unable to furnish information as to Oswald's residence address, but stated Oswald had visited his wife at Paine's house on 11/2 and 3/63. At this point Dallas held investigation in abeyance and no further investigation made until assassination.

SA Hosty explained that he held investigation in abeyance to be certain he was in possession of all information from New Orleans so he could possibly interview Mrs. Oswald and conduct further investigation. He was aware as of 10/18/63 that Oswald had been in contact with the Soviet Embassy in Mexico City but felt because Oswald was employed in nonstrategic position where he would not have access to information important to national defense that he was justified in holding investigation in abeyance. Inspector definitely does not agree. New Orleans submitted 16-page report 10/31/63 and only leads outstanding in New Orleans were to ascertain Oswald's whereabouts. No indication New Orleans had any further data and New Orleans RUC'd case by form 11/19/63. Even if New Orleans had not reported all information in their possession, Dallas should have intensified investigation in light of Oswald's contact with Soviet Embassy and not held investigation in abeyance. Supervisor [redacted] advised he

discussed above investigative steps with Hosty and concurred with the manner in which handled. Both Hosty and [redacted] did not feel Oswald made Security Index criteria.

[redacted] (S)

Lead set out by Dallas in March 25, 1963, letter for Dallas to determine present employment of Oswald and, thereafter, determine whether wife should be interviewed. This was not followed by Bureau for approximately five months until 8/21/63 when Dallas was asked about this lead after subject arrested in New Orleans for distributing Fair Play for Cuba pamphlets. Seat of Government Supervisor [redacted] states additional investigation not conducted until subject arrested for Fair Play for Cuba activity inasmuch as he reviewed investigation and evaluated that subject was not engaged in activities inimical to the United States. [redacted] states did not feel interview of subject's wife warranted and did not feel case should be reopened at Bureau on 3/25/63 merely to follow Dallas re consideration of interviewing wife. [redacted] advised he did not feel subject's activities came within purview of SI criteria.

It will also be noted that stop placed against subject in Identification Division which was removed by [redacted] on 10/9/63 after subject arrested in New Orleans for Fair Play for Cuba Committee on 8/9/63. [redacted] advised stop was placed in event subject returned from Russia under an assumed name and was inadvertently not removed by him on 9/7/62 when case closed. Inspector feels [redacted] in error in removing stop on subject in Ident on 10/9/63, particularly after arrest on 8/9/63 for Fair Play for Cuba Committee activity in New Orleans. We might have missed further arrests without stop in Ident. Inspector also feels [redacted] erred in not having additional investigation conducted when subject returned to United States and [redacted] wrong in not having subject placed on SI.

Instant case supervised at Seat of Government by Nationalities Intelligence Section regarding Fair Play for Cuba aspects and the Espionage Section regarding defection aspects and contact with Soviet Embassy in Mexico. Seat of Government Supervisor [redacted] supervised the Fair Play for Cuba aspects of this case from 8/16 until 10/31/63. He failed to have Oswald put on the SI in spite of considerable Fair Play for Cuba activity coupled with soviet defection background. In explanation he claims he did not feel Oswald met criteria for inclusion on SI.

SA [redacted] handled case in New Orleans from 7/18/63. No report submitted until 10/31/63. Bureau not advised until report of 10/31/63 that Oswald wrote to "The Worker" on June 10, 1963, requesting literature to assist him in establishing Fair Play for Cuba Committee in New Orleans, and sent honorary membership cards for Ben Davis and Gus Hall. [redacted] advised that although investigative period extended from 7/23 through 10/25/63, continuous attention was afforded this case.

SAC [redacted] supervised case and shares responsibility for delay in advising Bureau; also failed to put on Security Index, saying they did not feel subjec met criteria.

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OBSERVATIONS:

As indicated above, there were a number of investigative and reporting delinquencies in the handling of the Oswald case. Oswald should have been on the Security Index; his wife should have been interviewed before the assassination, and investigation intensified - not held in abeyance - after Oswald contacted Soviet Embassy in Mexico. It was handled by two different Sections in the Domestic Intelligence Division, i.e., Nationalities Intelligence and Espionage. While Section Chiefs [redacted] and [redacted] did not see instant file or participate in the supervision of this case, it is felt that they have certain over-all responsibility for properly indoctrinating and training subordinate supervisory personnel and should be censured. This also applied to Inspector [redacted] who heads the Espionage Research Branch, and Assistant Director [redacted]

Likewise, SACs [redacted] assigned Dallas until 4/24/63 and [redacted] assigned Dallas since 4/22/63, did not have an opportunity to review instant file. However, it is felt that they have over-all responsibility for properly training and indoctrinating subordinate personnel and should be censured.

Concerning the administrative action recommended hereinafter, there is the possibility that the Presidential Commission investigating instant matter will subpoena the investigating Agents. If this occurs, the possibility then exists that the Agents may be questioned concerning whether administrative action had been taken against them. However, it is felt these possibilities are sufficiently remote that the recommended action should go forward at this time. It appears unlikely at this time that the Commission's subpoenas would go down to the Agent level.

In any event such gross inaccuracies overlooked now and administrative action postponed.

RECOMMENDATIONS:

1. James P. Hosty, Jr. (Veteran), Dallas - Censure and probation for inadequate investigation including earlier interview of Oswald's wife, delayed reporting, failure to put subject on Security Index, and for holding investigation in abeyance after being in receipt of information that subject had been in contact with Soviet Embassy, Mexico City. If approved, to be handled by the Administrative Division.

JHS

Yes.
K

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2. Field Supervisor [redacted] (Nonveteran), Dallas - Censure and probation for failing to insure that case more fully investigated and reported, for not placing subject on the Security Index and for concurring in decision to hold investigation in abeyance. If approved, to be handled by the Administrative Division.

3. [redacted] (Veteran), Dallas - Censure for failing to have Oswald case reopened after Dallas informed that he subscribed to "The Worker," east coast Communist newspaper, 9/28/62. If approved, to be handled by the Administrative Division.

4. [redacted] (Veteran), New York - Censure for failing to promptly disseminate Fair Play for Cuba information to Dallas concerning subject Oswald. If approved, to be handled by the Administrative Division.

5. [redacted] (Veteran), New York - Censure for failure to insure that Fair Play for Cuba information concerning Oswald more promptly disseminated to Dallas. If approved, to be handled by the Administrative Division.

6. [redacted] Nonveteran), New Orleans - Censure for delayed reporting and failure to put on Security Index. If approved, to be handled by the Administrative Division.

7. SACs [redacted] and [redacted] (both Nonveteran) [redacted] in San Francisco - [redacted] in Dallas) - Censure for over-all responsibility in this matter. If approved, Administrative Division to handle.

8. SAC [redacted] (Nonveteran), New Orleans - Censure for failing to insure that there was no delay in reporting this matter and for failing to put subject on the Security Index.

9. Seat of Government Supervisor [redacted] (Veteran) - Censure and probation for failing to instruct the field to conduct background investigation concerning Oswald, upon Oswald's return from Russia; failing to have Oswald's wife interviewed; also for removing stop on Oswald in Ident on 10/9/63; failing to put Oswald on Security Index and for not reopening Bureau file to follow on Dallas after Dallas sent out letter on 3/25/63 to consider interview of Oswald's wife. If approved, to be handled by the Administrative Division.

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10. Seat of Government Supervisor [redacted] nonveteran) - Censure and probation for failing to take action on [redacted]; failing to completely review file until after assassination; failing to instruct field to press more vigorously after subject made contact with Soviet Embassy, Mexico, and failure to have subject placed on Security Index. If approved, to be handled by the Administrative Division.

JHS Yes. JPR

11. Seat of Government Supervisor [redacted] Veteran) - Censure for failing to place Oswald on Security Index, in spite of considerable Fair Play for Cuba Committee activity coupled with previous Soviet defection background.

JHS Yes. JPR

12. Seat of Government Supervisor [redacted] (Veteran) - Censure for delay in handling incoming 10/18/63 cablegram from Mexico City and for not putting subject on Security Index.

JHS Yes. I disagree as to Liston. JPR

13. Section Chiefs [redacted] Inspector [redacted] and Assistant Director [redacted] (all Nonveterans) - Censure for over-all responsibility in this matter. They are supervisors - efficiency - obviously are not [illegible] supervising their personnel

JHS Yes.

 SEE ADDENDUM ON PAGE 11

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With respect to the individuals listed above who are veterans, they have had more than a year of Bureau service. Accordingly, they should be entitled to 30 days' written notice in the event they should be involuntarily separated, reduced in grade or salary or suspended for more than 30 days. They would also have a right of appeal to the Civil Service Commission for any of these actions.

Attached and handled separately

Statements of the following individuals are attached: [redacted] as well as statements of the personnel involved who are assigned to the Dallas Office. In addition, copies of explanations of [redacted] and [redacted] are attached.

PERSONNEL BRIEFS OF HOSTY, [redacted] ATTACHED

Over

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ADDENDUM: C. D. DeLoach:hif 12/10/63

I recommend that the suggested disciplinary action be held in abeyance until the findings of the Presidential Commission have been made public. This action is recommended inasmuch as any "leak" to the general public, or particularly to the communications media, concerning the FBI taking disciplinary action against its personnel with respect to captioned matter would be assumed as a direct admission that we are responsible for negligence which might have resulted in the assassination of the President. At the present time there are so many wild rumors, gossip, and speculation that even the slightest hint to outsiders concerning disciplinary action of this nature would result in considerable adverse reaction against the FBI. I do not believe that any of our personnel will be subpoenaed. Chief Justice Warren has indicated he plans to issue no subpoenaes. There is, however, the possibility that the public will learn of disciplinary action being taken against our personnel and, therefore, start a bad, unjustifiable reaction.

I do not concur. 12/10

ADDENDUM (AHB:csh), 12/10/63:

It is significant to note that all of the supervisors and officials who came into contact with this case at the seat of government, as well as agents in the field, are unanimous in the opinion that Oswald did not meet the criteria for the Security Index. If this is so, it would appear that the criteria are not sufficiently specific to include a case such as Oswald's and, rather than take the position that all of these employees were mistaken in their judgment, the criteria should be changed. This has now been recommended by Assistant Director Gale.

They were more than mistaken

Aside from the above, I agree with Mr. DeLoach's observations.

A.H. Belmont

With this I do not agree. Note at the bottom of Page 1 of this memo. Certainly no one in full possession of all his faculties can claim Oswald didn't fall within this criteria.

I do not agree as to delaying administrative action.

Let me see the "new" criteria

Now I claim would have avoided this fiasco. What we need is common sense & not

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